

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WENDELL W. PHILLIPS,

Plaintiff,

v.

LANSING SCHOOL DISTRICT and
LAURENCE W. McQUEEN,

Defendants.

Case No. 5:03-cv-34

Hon. Wendell A. Miles

ORDER

This matter is before the Court on Plaintiff's Motion to Set Aside Judgment (dkt. #41), brought pursuant to Federal Rule of Civil Procedure 60(b)(4) and (6). For the following reasons, the Court denies the motion.

Plaintiff filed a case in the Ingham County Circuit Court against the same defendants and based upon the same facts asserted here. The defendants were granted summary judgment, and both the Michigan Court of Appeals and the Michigan Supreme Court denied leave to appeal. Plaintiff then filed this action in March 2003, asking the court to review the decisions of the state courts. On May 1, 2003, the court dismissed the case based upon the Rooker-Feldman doctrine (dkt. # 12), and on June 9, 2003, denied his motion for reconsideration (dkt. #16). The Sixth Circuit Court of Appeals affirmed the court's decision on March 12, 2004, and the United States Supreme Court denied his petition for writ of certiorari on March 24, 2004. This court subsequently denied Plaintiff's motion to set aside judgment (dkt. #30), motion for reconsideration (dkt. #32), and amended motion for reconsideration (dkt. #36). The court is likewise compelled to deny Plaintiff's present motion to set aside judgment. In Rooker v.

Fidelity Trust Co., 263 U.S. 413 (1923) and District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983), the Supreme Court of the United States made clear that lower federal courts do not have jurisdiction to review and determine the validity of state court judgments, even if the plaintiff alleges that the state court's action was unconstitutional. Feldman at 486. Plaintiff simply has not, and cannot, overcome the Rooker-Feldman hurdle.

For the foregoing reasons, the court DENIES the Plaintiff's Motion to Set Aside Judgment (dkt. #41).

So ordered this 1st day of June, 2007.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge